

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

The New York City Employees' Retirement  
System, et al.,

NO. C 08-00246 JW

**ORDER VACATING HEARING**

Plaintiffs,

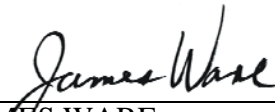
v.

Lisa C. Berry,

Defendant.

On February 9, 2009, the parties are scheduled to appear for a hearing on Defendant's Motion to Dismiss. (See Docket Item No. 42.) Upon review of the parties' briefs, the Court finds Defendant's Motion appropriate for submission without oral argument. See Civ. L.R. 7-1(b). Accordingly, the Court VACATES the February 9, 2009 hearing.

Dated: February 5, 2009

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

**THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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**Dated: February 5, 2009**

**Richard W. Wieking, Clerk**

**By: /s/ JW Chambers**  
**Elizabeth Garcia**  
**Courtroom Deputy**